rom the NTERNATIONAL SEARCHIN	NG AUTHORITY	`. ¬	REC'D 2 2 AUG 200	15
To: KATHLEEN R. TERRY			PCT WIPO	P
13840 JOHNSON ST. NE		WD	ITTEN OPINION OF THE	
HAM LAKE, MN 55304		DITERNATIO	ONAL SEARCHING AUTHORITY	
,		INTERMATIC		
•	•		(PCT Rule 43bis.1)	
		Date of mailing	18 AUG 2005	į
	·	(day/month/year)		
Applicant's or agent's file ref	ference	FOR FURTHER	ACTION See paragraph 2 below	
International application No.	International filing da	nte (day/month/year)	Priority date (day/month/year)	
	14 Tanyoru 2005 (14)	01.2005)	14 January 2004 (14.01.2004)	
PCT/US05/01435 International Patent Classific	cation (IPC) or both national classifi	ication and IPC		1
	3/02 and US CL: 514/23; 536/1.11			$\{$
Applicant		·	•	
BIOENERGY, INC.	·			L
			·	١
1. This opinion contains in	ndications relating to the following i	items:		
Box No. I	Basis of the opinion			
Box No. II	Priority .		2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	1
Box No. III	Non-establishment of opinion wit	th regard to novelty, inv	entive step and industrial applicability	1
Box No. IV	Lack of unity of invention			1
Box No. V	Reasoned statement under Rule 4 applicability, citations and explan	43 <i>bis.</i> 1(a)(i) with regard nations supporting such	to novelty, inventive step or industrial statement	
Box No. VI	Certain documents cited	· ·		١
Box No. VII	Certain defects in the internation	al application		Ì
Box No. VIII	Certain observations on the inter		•	
ACTIO	ON.			
International Prelimit Authority other than that written opinions of	mational preliminary examination in mary Examining Authority ("IPEA this one to be the IPEA and the ch of this International Searching Auth	nosen IPEA has notified nority will not be so con-	will be considered to be a written opinion of the observed apply where the applicant chooses and the International Bureau under Rule 66.1bis(b) sidered.	
of Form PCT/ISA/22	0 or before the expiration of 22 mor	a written opinion of the amendments, before the nths from the priority de	e IPEA, the applicant is invited to submit to the expiration of 3 months from the date of mailing ate, whichever expires later.	
For further options, s	ee Form PCT/ISA/220.	•	*	

Michael C. Henry

Telephone No. 703 308-1235

Name and mailing address of the ISA/ US

Mail Stop PCT, Ath: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/ISA/237 (cover sheet) (January 2004)

3. For further details, see notes to Form PCT/ISA/220.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/01435

Box No. I Basis of this opinion	
 With regard to the language, this opinion has been established on the was filed, unless otherwise indicated under this item. 	
This opinion has been established on the basis of a translation which is the language of a translation furnished for the purpose	from the original language into the following language, es of international search (under Rules 12.3 and 23.1(b)).
With regard to any nucleotide and/or amino acid sequence disclose invention, this opinion has been established on the basis of:	ed in the international application and necessary to the claimed
a. type of material	
a sequence listing	
table(s) related to the sequence listing	
b. format of material	·
in written format	
in computer readable form	
c. time of filing/furnishing	
contained in international application as filed.	
filed together with the international application in com	puter readable form.
furnished subsequently to this Authority for the purpos	
iministed succeptainty to the second	
In addition, in the case that more than one version or copy or furnished, the required statements that the information is application as filed or does not go beyond the application as	of a sequence listing and/or table relating thereto has been filed in the subsequent or additional copies is identical to that in the filed, as appropriate, were furnished.
4. Additional comments:	
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WRITTEN OPINION OF THE

International application No. PCT/US05/01435

INTERNATIONAL SEARCHING AU	THORITY .		_ "
Box No. V Reasoned statement under Rule 43 applicability; citations and explanat	bis.1(a)(i) with regard ions supporting such :	to novelty, inventive statement	step or industrial
1. Statement			
Novelty (N)	Claims <u>s</u>		YES
1.0(2.)	Claims 1-7, 9-11		NO
			YES
Inventive step (IS)	Claims 8 Claims 1-7, 9-11		NO
	Claims 1712 A		
Industrial applicability (IA)	Claims 1-11		YES
	Claims NONE		NO
2. Citations and explanations: Claim 8 meets the criteria set out in PCT Article 33(2)- recovery from sepsis comprising the administration of It Claim 9-11 lack novelty under PCT Article 33(2) as be intravenous administration comprising substantially pur composition further comprising D-glucose and specific composition of claims 9-10 comprising 5% D-ribose in Claims 1-7 lack an inventive step under PCT Article 33 reducing recovery time of a mammal undergoing genera a mammal. Claims 2-7 are drawn to specific routes of ribose. ST. CYR et al. disclose a method of treating by mammals an effective amount of ribose (see abstract a transient hypoxia from anesthesia can be treated with a hypoxia frequently occurs in individuals undergoing ar ribose to an individual (which includes a mammal) un- said individual undergoing the anesthesia. It should be the recovery time of the individual undergoing the ane- recover in less time than if the patient was not treated Claims 1-11 the criteria set out in PCT Article 33(4), a made or used in industry.	ing anticipated by ST. CY re, pyrogen-free D-ribose. percentages (%) of ribose 15% D-glucose (see col. 1 3(3) as being obvious over all anesthesia comprising t administration of said rib ypoxia and the symptoms and claims). In addition, S said ribose (see abstract). nesthesia (col.2, lines 7-16 dergoing anesthesia to tree e noted that the examiner esthesia, since the said tree for the transient hypoxia v	R et al. Claim 9 is draw Dependent claims 10 ar et and gheose. ST. CYR 4, example 7, lines 4-48. ST. CYR et al. Claim 1 the administration of an obse, the administration of hypoxia in mammals 1. CYR et al. disclose the furthermore, ST. CYR et al. disclose the furthermore in the transient hypoxist furthermore of the transient hypoxist furthermore.	in to a composition suitable for all 11 are drawn to said et al. disclose applicant's leaffective amount of D-ribose to f specific amount of D-ribose to f specific amounts and doses of by administering to the at mammals experiencing at al. disclose that transient it is obvious to administer reducing recovery time of the transient hypoxia a reducing of oxia would cause the patient to
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PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/001435	International filing date (day/month/year) 14 January 2005 (14.01.2005)	Priority date (day/month/year) 14 January 2004 (14.01.2004)
International Patent Classification (8th See relevant information in Form F	n edition unless older edition indicated) PCT/ISA/237	
Applicant BIOENERGY, INC.		

1.	 This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a). 				
2.	2. This REPORT consists of a total of 4 sheets, including this cover sheet.				
	In the attached sheets, any reference to the written opinion of the International Scarching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.				
3.	3. This report contains indications relating to the following items:				
	Box No. I	Basis of the report			
	Box No. II	Priority	•		
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability			
	Box No. IV	Lack of unity of invention			
	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
	Box No. VI	Certain documents cited			
	Box No. VII	Certain defects in the international application			
	Box No. VIII	Certain observations on the international application			
4.	4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).				
	· ·				
	•		Date of issuance of this report 17 July 2006 (17.07.2006)		
	The International Bureau of WIPO		Authorized officer		
34, chemin des Colombettes 1211 Geneva 20, Switzerland			Nora Lindner		
L	mile No. +41 22 338 82 70		e-mail: pt02@wipo.int		
Form	Form PCT/IB/373 (January 2004)				

PATENT COOPERATION TREATY

rom the NTERNATIONAL SEARCHING AUTHOL	RITY		1.2	REC'D 22 AUG	2005
To:	•		PCT	WIPO	PC
KATHLEEN R. TERRY 13840 JOHNSON ST. NE HAM LAKE, MN 55304		WRI INTERNATIO	TTEN OPINION NAL SEARCHIN	OF THE IG AUTHORITY	
	·		(PCT Rule 43bis		
		Date of mailing (day/month/year)		UG 2005	·
Applicant's or agent's file reference		FOR FURTHER	See paragraph 2 belov		
International application No.	International filing date (day/month/year)	Priority date (day/m	onth/year)	
1	14 January 2005 (14.01.2	005)	14 January 2004 (14	4.01.2004)	
PCT/US05/01435 International Patent Classification (IPC) of	r both national classification	on and IPC		• .	1
IPC(7): A61K 31/70; C07H 3/02 and US		.			
Applicant			•		
BIOENERGY, INC.					==
1. This opinion contains indications rel	ating to the following item	ıs:			
Box No. I Basis of the	e opinion				
Box No. II Priority					Ì
Box No. III Non-estable	lishment of opinion with re	gard to novelty, inve	entive step and indust	rial applicability	
	ity of invention				
	statement under Rule 43bit ity, citations and explanation	s.1(a)(i) with regard ons supporting such	to novelty, inventive statement	step or industrial	·
	ocuments cited				Ì
	efects in the international a	pplication	N.	•	
Box No. VIII Certain of	oservations on the internati	ional application			
2. FURTHER ACTION If a demand for international prel International Preliminary Examir Authority other than this one to b that written opinions of this Intern	e the IPEA and the chose ational Searching Authorit	n IPEA has notified y will not be so cons	the International Buidered.	reau under Rule 66.16	is(D)
If this opinion is, as provided ab IPEA a written reply together, who form PCT/ISA/220 or before the	he expiration of 22 months	ritten opinion of the adments, before the from the priority da	IPEA, the applicant expiration of 3 mont te, whichever expires	is invited to submit to hs from the date of ma later.	the iling
For further options, see Form PC	i/ISA/220.				}
3. For further details, see notes to Fo	orm PCT/ISA/220.		Encor 10 7/0 / 1	a AM	, .
Name and mailing address of the ISA	US	Authorized of		wy war	1 .
Mail Stop PCT, Attn: ISA/US Commissioner for Patents		Michael C. H	enry	Total Control	
P.O. Box 1450 Alexandria, Virginia 22313-145	50	Telephone No	. 703 308-1235		

P.O. Box 1450
Alexandria, Virginia 223 13-1450
Facsimile No. (703) 305-3230
Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/01435

Box No	o. I Basis of this opinion
1. With a	regard to the language, this opinion has been established on the basis of the international application in the language in which it iled, unless otherwise indicated under this item.
Ц	This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With inven	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, this opinion has been established on the basis of:
a,	type of material
	a sequence listing
	table(s) related to the sequence listing
ъ.	format of material
	in written format in computer readable form
c.	time of filing/furnishing
	contained in international application as filed.
	filed together with the international application in computer readable form.
	furnished subsequently to this Authority for the purposes of search.
3. 🗀	In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Addi	itional comments:
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US05/01435

INTERNATIONAL SEARCHING		
Box No. V Reasoned statement under Rule applicability; citations and expl	43 <i>bis.</i> 1(a)(i) with regard to novelty, invenations supporting such statement	entive step or industrial
. Statement	•	
Novelty (N)	Claims 8	YES
NOVERLY (IV)	Claims <u>1-7, 9-11</u>	
Inventive step (IS)	Claims 8	YES
inventive step (13)	Claims 1-7, 9-11	NO
		YES
Industrial applicability (IA)	Claims 1-11	NO
	Claims NONE	
o Gir di con and amplementioner		
 Citations and explanations: Claim 8 meets the criteria set out in PCT Article 3. 		Lile assess a method for enhancing
Claim 9-11 lack novelty under PCT Article 33(2) intravenous administration comprising substantiall composition further comprising D-glucose and specomposition of claims 9-10 comprising 5% D-ribot Claims 1-7 lack an inventive step under PCT Article reducing recovery time of a mammal undergoing a mammal. Claims 2-7 are drawn to specific rout ribose. ST. CYR et al. disclose a method of treating mammals an effective amount of ribose (see abstransient hypoxia from anesthesia can be treated whypoxia frequently occurs in individuals undergoinose to an individual (which includes a mamma said individual undergoing the anesthesia. It shout the recovery time of the individual undergoing the	y pure, pyrogen-free D-Hoose, becaute when conficing percentages (%) of ribose and glucose. St se in 5% D-glucose (see col. 14, example 7, line le 33(3) as being obvious over ST. CYR et al. (general anesthesia comprising the administration is sof administration of said ribose, the administration of hypoxia and the symptoms of hypoxia in market and claims). In addition, ST. CYR et al. discribt said ribose (see abstract). Furthermore, ST. ag anesthesia (col.2, lines 7-10 and 30-33). The hypoxide protection of the transient same sthesia, since the said treating of the transient anesthesia, since the said treating of the transient same sthesia, since the said treating of the transient same sthesia, since the said treating of the transient same sthesia.	CYR et al. disclose applicant's as 4-48). Claim 1 is drawn to a method of a of an effective amount of D-ribose ation of specific amounts and doses mals by administering to the close that mammals experiencing CYR et al. disclose that transient crefore, it is obvious to administer is thus reducing recovery time of the sing of transient hypoxia a reducing
recover in less time than if the patient was not tre Claims 1-11 the criteria set out in PCT Article 33 made or used in industry.	ited for the danslein hypoxia with 110000.	
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